

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEORGE LAHOOD,

Plaintiff,

-against-

FRANCENE OPRIHORY,

Defendant.

22-CV-5255 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff George Lahood, who resides in Bronx County, New York, brings this *pro se* action against Defendant Francene Oprihory, a resident of New Jersey. Lahood alleges that Oprihory violated his rights in Lyndhurst, New Jersey. He also alleges that in June 2022, while housed in a shelter in Bronx County, he was assaulted; he does not provide any details about this alleged assault or name any defendants who he claims assaulted him.

By order dated June 23, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of the filing fees. For the reasons set forth below, the Court dismisses without prejudice the claims brought against Defendant Oprihory as duplicative of *Lahood v. Oprihory*, ECF 1:22-CV-5236, 4 (S.D.N.Y. June 23, 2002) ("*Lahood P*").

DISCUSSION

A. New Jersey claims

Plaintiff has previously submitted to this court a substantially similar complaint against Defendant Oprihory regarding Plaintiff's housing in Lyndhurst, New Jersey. *See* ECF 1:22-CV-5236, 2. On June 23, 2022, the Court transferred that action, under 28 U.S.C. § 1406, to the United States District Court for the District of New Jersey because Plaintiff named a New Jersey resident concerning events that occurred in New Jersey. *Id.* (ECF 4.) As this new complaint

raises the same claims raised in *Lahood I*, no useful purpose would be served by also transferring this duplicate lawsuit to the District of New Jersey. Therefore, the Court dismisses the claims brought against Oprihory without prejudice to the litigation in *Lahood I*.

B. Bronx assault claims

Plaintiff states that he was assaulted at his shelter in the Bronx, but he does not name any defendants associated with this assault or otherwise indicate that he seeks to bring a claim related to this alleged assault. The Court therefore dismisses any claim Plaintiff is attempting to raise in this lawsuit, without prejudice to any new civil action he may assert regarding the alleged assault.

CONCLUSION

Plaintiff's claims against Defendant Oprihory are dismissed without prejudice as duplicative of the claims raised in *Lahood I*, ECF 1:22-CV-5236.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: June 28, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge